

PRECARIOUS HOUSING IN EUROPE

Working Paper 7
Solutions and Responses



Co-funded by the
Erasmus+ Programme
of the European Union



Precarious Housing in Europe.
Pushing for innovation in higher education.

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This working paper has been prepared in the context of the Erasmus+ project *Precarious Housing in Europe. Pushing for Innovation in Higher Education (Push)*. It also serves as Chapter 7 of “Precarious Housing in Europe. A Critical Guide” (DOI: 10.48341/n0qk-fd13).

| Version control sheet | | |
|-----------------------|-----------------|---------------------------------|
| CURRENT | Version 09/2022 | Final revisions for publication |

Please refer to this publication as follows:

Berger, T. et al. (2022). Beyond Precarious Housing: Solutions and Responses in S. Münch and A. Siede (eds.), *Push Working Paper Series, Working Paper 7 (Version 09/2022)*. Push Strategic Partnership

7 – Beyond Precarious Housing: Solutions and Responses

Tania Berger with Gideon Bolt, Jonathan Darling, Francesca Ferlicca, Giovanna Marconi, Sybille Münch, Michela Semprebon, Ilko Yordanov, Boyan Zahariev

So far, this book has explored varying facets of precarity in housing in Europe today. In so doing, it has depicted dire living conditions of various social groups across the continent, highlighting Precariousness and Financialization in chapters 1 and 2, Eviction and Displacement in chapter 3, Precarious housing of Migrants in chapter 4 and Informal Settlements and Homelessness in chapters 5 and 6. In each case, we discussed the multi-layered root causes and impacts.

Across these varied forms of precariousness, a central cornerstone to tackling these challenges is a focus on the creation of affordable and suitable housing in substantial quantity. At the same time, we have seen how some solutions, like privatization for instance, can produce unexpected, and often negative, side-effects. This chapter draws up an entire catalogue of “tools” that could help ameliorate housing related precarity in general. Some of these approaches have been around for quite a while and already been tested in different regions and countries (some of which are portrayed in subchapters), others are rather novel to the debate and most of them have their limitations and critiques. Nonetheless, they may well play important roles in solving housing problems on the continent.

Rather than presenting a collection of tried and tested best practice or recommendations, this final chapter, therefore, is an invitation to the readers to browse this catalogue of possible options and critically assess their applicability under specific local and regional circumstances as well as their potential advantages and drawbacks, not to forget their political feasibility.

To begin with, however, it needs to be pointed out that – as we discussed in previous chapters – housing is just only one, albeit fundamental, factor in overall welfare and wellbeing. Exclusively tackling this single factor while ignoring broader questions of societal injustice, inequality and intersectional power differentials will invariably fall short of addressing the bigger picture. Nevertheless, this book focuses on housing as a basic cornerstone of physical and psychological security and thus a fundamental for most other activities in life. Therefore, we consider the approaches for the creation of more affordable and equitable housing presented hereafter as but one part of more holistic endeavours for building just and sustainable societies in Europe.

The following sections present an array of potential solutions and approaches for the creation of more affordable housing in catalogue like fashion. Entries are grouped according to who, meaning which actors or levels of government, could and should adopt and implement them. This is difficult to generalize, however, because EU member states differ in whether and to what extent the local, regional or national level is responsible for housing policymaking and how affordable or social housing is institutionalized. Moreover, civil society organisations in various forms and with different resources may likewise act in the realm of housing, both within and across national boundaries. Moreover, the role of vulnerable communities themselves in the people-driven and people-centred process of social production and management of their habitat is increasingly recognized as strategic components of the right to adequate housing¹ and the right to the city (UNHSP, 2016).

7.1 Public policy interventions

Housing related tasks are often cross cutting responsibilities within different national policy frameworks. Thus, which level of governance (local/ municipal, regional/federal state or national) is responsible for which policy approach will differ a great deal between different EU member states.

Moreover, as we have demonstrated in Chapter 2, housing markets and tenure structures can be remarkably distinct, displaying varying proportions of rental or owner-occupied housing, located in either urban high-rise arrangements or rather rural, low density one-family-units: While rental accommodation covers a substantial proportion of

¹ See 1.2 The right to housing and the rise of precarious housing

the housing markets in countries like Germany and Austria, individual homeownership, by contrast, is dominant in most South European and CEE countries.

To make matters even more complex, reasons for why housing becomes precarious, or remains so, not only lie in particular decisions or non-decisions in the field of housing, planning or land ownership. Even though the lack of public investment in affordable housing – for lack of resources or ideological reasons on behalf of the government parties – the incapacity or unwillingness to protect the rights of renters and other directly housing related decisions certainly play a role, there are developments in other policy areas that are decisive for the housing situation as well. Think for instance of the economic and financial crisis of the years 2007 – 2009 and its corresponding wage cuts and mounting unemployment. Or consider how the global banking crisis and bursting of the housing bubble led to forced evictions and foreclosures in many countries, particularly in the so-called peripheral countries or ‘PIIGS’ (Portugal, Italy, Ireland, Greece and Spain; Barbero, 2015). One could also mention how austerity, understood as a mixture of different policy instruments like spending cuts, aimed to reduce government budget deficits, has been implemented in European cities to different degrees (Bua et al., 2018). Last but not least, variegated processes of demographic shrinking and ageing on the one hand or population growth from rising birth rates or immigration clearly have an impact on the supply of affordable and suitable housing yet would not be considered to be related to the governance of housing at first glance.

So, when in this chapter we present and discuss different solutions or policies that have been brought forward to tackle precarious housing, the question arises whether we can even make general assertions about who is in charge of solving housing crises. To give readers a general idea of the multilevel governance of housing, in what follows we will describe who is responsible for housing policy in the EU member states and at which level of government. We will ignore the horizontal distribution of tasks between different ministries for instance and rather focus on the relevance of different levels of governance. In what follows, we draw from a study that was produced for the German presidency of the Council of the European Union in 2020 (Krapp et al., 2020).

The EU has no direct responsibility for housing policy, yet its impact in other policy areas can have spill over effects on housing. Think for instance of the EU anti-discrimination directive or funding for the European Structural Funds that could be invested in housing (Krapp et al., 2020, p. 144), but also of the Urban Agenda for the EU established in 2016, which seeks to improve quality of life for all in urban areas and reduce socio-spatial injustice.

In their comprehensive study of how tasks are distributed across levels of governmental units, Krapp et al. (2020, p. 22) distinguish eight broad subfields of housing policy, namely taxation, environmental and energy policy, tenancy law and rent regulation, spatial affairs, housing construction subsidies, subsidies for owners and/or buyers, welfare and the allocation of social housing.

They identify six different types of countries in Europe:

- “Only one country has exclusive responsibility for housing policy at the national level: Malta, which seems to be appropriate in view of its size.

- Countries where the national level is clearly dominant, while the regional and local levels are each of less importance in terms of their competencies. This group has two members (Croatia and Greece). Both countries seem to be members of the group due to their general style of centralised organisation.
- Countries which display a combination of national leadership with a strong local level that is clearly more important than the regional level. Twelve countries fall within this group (Bulgaria, Denmark, Finland, France, Ireland, Latvia, Netherlands, Poland, Slovakia, Slovenia, Spain and Sweden).
- Countries where all levels are heavily involved (tasks are balanced across all three levels) at the same time. This group also has five members (Austria, Germany, Italy, Portugal and the UK).
- Countries where the focus is on the regional level (countries are regionalised) and the national/local levels are less important. The only member state within this group is Belgium.
- Countries without any involvement of the regional level with varying relationships between the national and local levels. This group has seven members (Cyprus, Czech Republic, Estonia, Hungary, Lithuania, Luxembourg and Romania).
“(Krapp et al., 2020, p. 24-25)

These are the levels responsible for making the collectively binding decisions or rules of the game. These are the actors who could decide on the formal solutions that we will present later on. In policy analysis we distinguish, however, between different phases of policymaking, from publicly defining a problem, setting it on the political agenda, formulating and deciding on a law or program and finally implementing it, traditionally through public administration (Jann & Wegrich, 2009). The capacities of public administrations to make sure legislation is enacted on the ground differ widely, so the protection of renters might exist on paper, yet be implemented with loopholes. We will examine this in section 7.1.4.

It is against the backdrop of these numerous and complex local, regional and national housing contexts as well as political opportunity structures, that the following catalogue of potential policy tools has to be assessed for applicability within the specific circumstances of each country and each city. In the next sections we focus on two of these different forms of housing support, object and subject oriented policies.

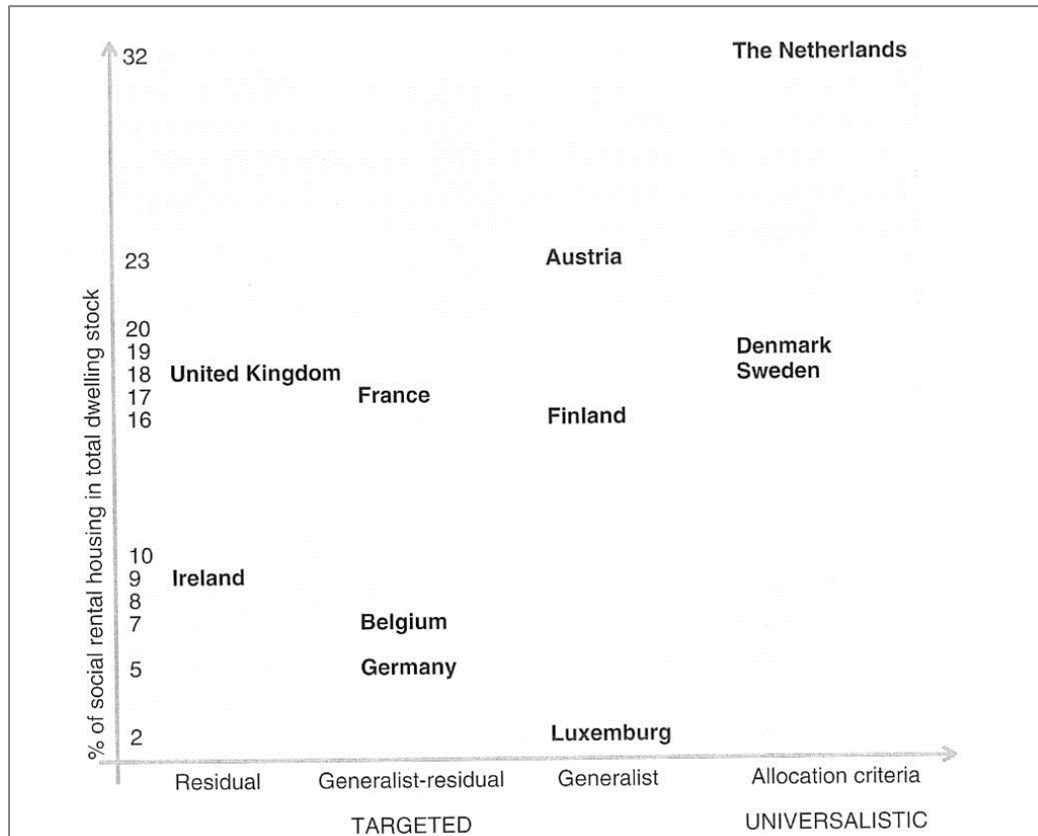
7.1.1 Policies and subsidies for “social” housing

The term “social housing” is extremely broad and consequently, a plethora of housing regimes and policies may be covered by it in varying contexts. Generally speaking, one common denominator of most of these policies is their funding (at least in part) from the public purse. A broad distinction can be drawn between countries following more “universalistic” versus more “targeted” approaches to social housing (see also section 2.4.4 on dual vs. unitary rental markets).

In a universalistic approach housing is seen as a basic necessity and funding is granted to a broad spectrum of society, with the exception of higher income households who can

cater for their housing needs fully without support. Despite this approach, universalistic funding schemes often exhibit a tendency to miss out those on the lowest incomes, the very poor, and non-nationals and non-citizens. By contrast, in a targeted approach to social housing, subsidized housing is meant only for the lowest income groups. They therefore often end up living in designated – and segregated – areas and “social/ public housing” often becomes equated with poverty and stigma.

Figure 7.1: Classification of social rental housing approaches in selected EU member states

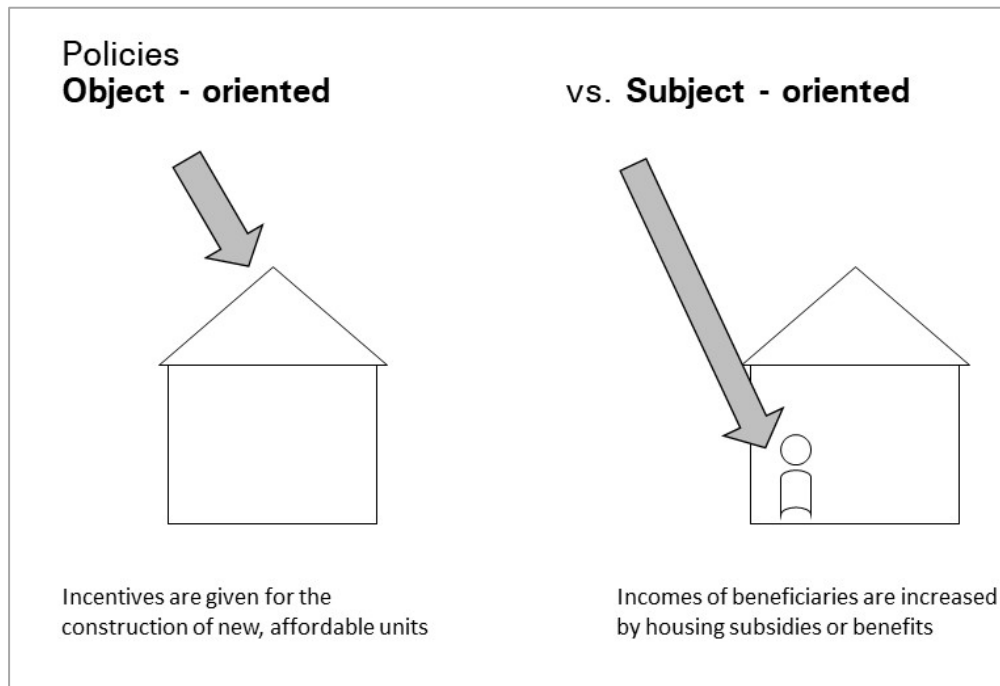


Source: Whitehead & Scanlon, 2014

Responsibility for public, affordable housing in general, can be distributed among different governance levels (national, regional/state and local/ municipal) in different EU member states and be spread amongst a variety of actors. Responsibilities are often subdivided into different areas related to the provision of affordable housing, such as finance, legal frameworks, planning, infrastructure, and construction (for national details see Krapp et al., 2020, p.16 -28).

A further general categorization of housing support policies distinguishes between object and subject oriented housing support. Therein, object-oriented policies provide funding for the construction of buildings (“objects”), while under subject-oriented policies, subsidies are awarded to individual households (“subjects”) with the aim of reducing their housing costs and thus enabling them to cover their housing needs via the free market (see Figure 7.2).

Figure 7.2: Object-oriented vs subject-oriented housing policies



Source: Tania Berger

7.1.1.1 Object-oriented policies ("supply subsidies")

In Object-oriented policies, sometimes also called supply, object or "brick and mortar" subsidies, public loans are provided to housing developers on favourable conditions in order to improve the availability of affordable housing on the market. Thereby, incentives are given by the state for the construction of new dwellings with acceptable quality. What is to be regarded as "acceptable quality" for affordable housing needs to be detailed in the definition of technical norms and by-laws. Object-oriented programmes thereby increase the general availability of housing and this in turn contributes to dampen overall rent levels in a particular region or country (Whitehead & Scanlon, 2014).

Due to public funding and support for the newly constructed buildings, beneficiaries have to cover only part of the incurred costs per units and, hence, rents in social housing estates can be kept below market prices. Therefore, access regulations with regards to beneficiaries' maximum income levels are often put in place to make sure that publicly funded housing is mostly inhabited by those who could not otherwise afford such housing. Access regulations may also include further requirements, for example with regards to the time applicants have already lived in a particular region (which frequently excludes newcomers and migrants from access).

Due to generally high costs in the construction of new buildings, substantial public funds are required for object based programmes if these are supposed to produce significant impacts on the overall housing market. The planning and construction of a significant number of new units usually take several years, and thus object-oriented programmes can only counteract existing housing shortages in a medium-term perspective. In any case, new construction at any given point in time always contributes only a small percentage of the overall housing stock. Object-oriented policies therefore are frequently

seconded by additional policies such as rent regulations or subject-oriented housing benefits as outlined below.

An economically important side effect of object-oriented programmes is the fact that they tend to generate employment in the construction sector. This positively influences national economies by increased incomes and tax revenues (Scanlon et al., 2014).

7.1.1.2 Subject-oriented policies (“demand subsidies”)

While object-oriented programmes reduce housing costs, subject-oriented programmes increase the incomes of beneficiaries instead. These housing subsidies, also called allowances or benefits, serve to reduce individual housing expenses thereby enabling residents to rent units which would otherwise be unaffordable. Contrary to the object subsidies targeted at housing developers for the construction of new buildings, subject subsidies are directly linked to the individual households and linked to the individual household’s income. A general critique of subject-oriented subsidies sees general housing cost levels pushed up if these subsidies enable low-income households to compete in the housing market. As a consequence, beneficiaries may still be struggling to cover housing costs as prices have been inflated as a result of subsidies.

7.1.2 Planning, zoning and taxation

Besides actively promoting the construction of affordable housing, authorities possess a range of further means for creating favourable legal, fiscal and economic environments which encourage and support construction on a substantial scale. Such tools stem from planning and zoning laws as well as from taxation related to housing, land and property.

7.1.2.1 Housing related taxation

Taxation related to housing, property and land can contribute to creating affordable housing by incentivizing the efficient usage of land with the aim of avoiding land speculation and vacancy (on the relevance of land see Lechner, 2016). There are a range of ways in which this operates.

7.1.2.1.1 Land Value/ Property tax

First, there is land value tax. American land reformer Henry George (1839 – 1897) was one of the best-known proponents of land value tax. This tax is intended to replace all other forms of taxes and to be levied exclusively on the “natural” land value (i.e., the value of the land without taking into account the added value created by the owner).

The implementation of this tax aims to facilitate the best possible use of the land within the framework of the planning requirements, as landowners strive to compensate for the tax burden. With the tax being due for land only – not for buildings erected on it –, constructing buildings on the land represents the key to putting it to use and construction is thus incentivised. Arguably, this desire for profit mobilises unused or insufficiently used land and counteracts the lack of available land for building purposes that drives land

speculation. It does not, however, ensure that newly constructed buildings are necessarily used for affordable housing².

Box 7.1: Land value and property tax – examples and critique

Land value tax is levied in parts of New Zealand and Australia, as well as Denmark and Estonia. The city-states of Hong Kong and Singapore also collect most of their taxes through the land value tax, while labor and capital taxes are kept as low as possible.

Several countries do have property tax regimes in place in principle. Their assessments, however, are based on unit values. Adjusting these unit values to current land values has proven to be a laborious and costly process. In some instances, these necessary adjustments have not been done for decades, and today's unit values, as a consequence, are far from reflecting actual land prices. This leaves taxation edentulous in the face of soaring land prices.

Hughes et al. (2020) explain why due to practical and political issues land value taxes are not widely adopted despite economic arguments in their favour.

7.1.2.1.2 Planning value compensation

Public planning measures can be decisive for the value of a property: if it goes, for instance, from being an undeveloped area to building land through planning decisions made by the public sector, and a higher structure can be built upon it, this increases the property's value enormously and the property owner incurs so-called planning profits. However, although high follow-up costs – such as the expansion of the transport infrastructure or provision of schools in the area – are often accrued to the general public, this planning related increment value often entirely falls to the property owner.

Planning value compensation is a levy on the increase in land value as a result of municipal planning activities. Conceptually, this is a one-time levy and can be understood as counterpart to compensation payments for planning damages. Planning value compensation is intended to levy increases in value obtained by landowners as a result of publicly financed measures without performance. Accordingly, it can be interpreted as an effort to achieve a balance between the interests of property owners and those of the general public³.

Furthermore, the levying of land value increases pursues the goal of curbing speculation, counteracting land hoarding and thereby increasing the functioning of the land market. The underlying argument is that with the help of planning value compensation, expectations about possible land price increases due to public investment are excluded as land price-forming factors.

By balancing planning values, planning value compensation should serve to also balance private versus public interests, as public planning measures inevitably influence land prices and either increase or reduce the usability of land. No owner should be favoured or harmed solely as a result of municipal planning measures. In terms of

2 The property issue: Von der Bodenfrage und neuen Gemeingütern (2018). Arch+: Nr. 231 (2018) = 51. Jahrgang. Aachen: ARCH+ Verlag GmbH.

3 The property issue: Von der Bodenfrage und neuen Gemeingütern (2018). Arch+: Nr. 231 (2018) = 51. Jahrgang. Aachen: ARCH+ Verlag GmbH.

allocation policy, a balancing of planning values is expected to lead to mobilization of land and thus to optimize the use of land for the economy as a whole.

Box 7.2: Planning value compensation – example and critique

In Berlin, Germany, redevelopment areas are designated, which will be upgraded within 15 years through investments in infrastructure and public facilities. Increased land values after renovation are to be compensated by owners to the city.

The Model of Socially Just Land Use (“Sozialgerechte Bodennutzung” - SoBoN) was developed in Munich in the early 1990s. Since then, the implementation of plans that will increase the value of properties is only possible if the beneficiaries cover the costs and burdens of this planning. Additionally, 30% of the residential area created on the respective property must be made available for social housing (see section on inclusive housing). However, the city of Munich attaches great importance to the fact that the SoBoN is not a uniform planning value compensation. Still, for the financing of infrastructure costs, gains resulting from SoBoN are used (Mayr, 2018).

Opinions on the effectiveness of such taxation are mixed, especially for attractive locations. Representatives of political economy already pointed out in the 1970s, that the predominant function of land and housing as a profitable investment might not be eliminated by tax reforms. They maintain that the study of land value increase tax has shown no effects on overall levels of land prices due to this partial absorption of land value increases. For problem of housing supply, this means that rental prices are not influenced by levies on land value growth. According to the authors of the German “Land Policy Agenda 2020–2030”, the following is true: “The land value tax [is] not an instrument [...] with which direct or targeted action could be taken against revaluation and displacement processes.” On the contrary, if the tax can be transferred to tenants, it is expected to have a negative effect in further increasing prices (Bunzel et al., 2017).

7.1.2.2 Social preservation ordinances (“Neighbourhood conservation areas”)

Social preservation ordinances (“Milieuschutz” in Germany or “community protection”) are intended to prevent the composition of the residential population from changing due to displacement through expensive modernization measures (“luxury renovations”), changes in the structure of a dwelling, the conversion of dwellings to commercial use or the conversion of rented to owner-occupied dwellings.

Social preservation law thus safeguards the existing housing stock in a particular neighbourhood. This is to ensure that residents can stay where the infrastructure they need for everyday life is available (e.g., day-care centres, schools, shopping facilities or green spaces). This is because the infrastructure has developed together with the residents over the years and usually cannot keep up with a rapid exchange of the resident population. The preservation ordinance does not offer protection for individual tenants, however, but is a purely urban planning instrument. Therefore, social preservation law mainly offers effective protection for existing dwellings.

The local authority in Berlin, for instance, checks whether measures to be applied to the housing stock will endanger the composition of the residential population. If these measures are not compatible with the conservation objective of the preservation ordinance, they are refused.

This examination is carried out for the following measures:

- Alteration of structural facilities due to modernization (e.g., sanitary objects, floors, lifts, balconies, changes in floor plans, or the division and merging of flats)
- Deconstruction of buildings (especially the demolition of buildings)

- Change of use of buildings (e.g., the conversion of “classic” flats into holiday flats or offices)
- Conversion of rental flats into owner-occupied flats
- Sale of land

For all these measures, building owners need a permit. If construction is carried out without permission under preservation law (§173 BauGB), the work can be stopped, or deconstruction can be ordered (§§79 & 80 Bauordnung Berlin). Furthermore, building without permission in conservation areas is an administrative offence (§213 BauGB), which can be punished with a fine of up to € 30,000.

These paragraphs have been applied in Berlin and similarly in other German cities since the early 1990s: between 1991 and 2001, 18 areas were placed under milieu protection ordinances, which affected about six per cent of Berlin's total population. However, following the “return of the housing question” over the past years, the social preservation ordinances have been rediscovered among civil society and policy-makers in their search for alternatives to neo-liberalisation (Sarnow, 2019, p. 118).

The social preservation law is not only intended to prevent classic “luxury renovations”. The housing market is becoming increasingly tight in many cities. Every increase in attractiveness increases the competition for a flat, every rent increase limits the choice of available flats for the resident housing population. Thus, more and more often, people are not only forced out of their flats, but right out of their neighbourhoods (Bezirksamt Mitte, n.d.).

The policy instrument is not as powerful as necessary, however. One reason in the case of Berlin is, for instance, that the responsible administration is understaffed and often lacks resources and expertise to follow up on cases (Sarnow, 2019, p. 126).

7.1.2.3 Municipal right of preemption (pre-sale/ First refusal)

New construction can only cover a minimal part of the housing sector and only make a very small contribution to the existing stock every year, even in the case of ambitious new residential construction. In addition, most European cities are highly dense in their centres. There is little potential for new construction there. Therefore, new buildings are built primarily on the peripheries. The construction of new municipal, social, or affordable housing takes place to a large extent outside the centres. Yet, after years of suburbanization, nowadays people often want to live close to the city centre as a result of large scale urban regeneration projects and forms of urban gentrification. One effect being that those who have more money are able to outdo others in a demand driven market (Jensen, 2020).

If the public sector focuses exclusively on subsidizing new construction – and this is primarily taking place on the peripheries –, there is a threat of increased segregation. It is therefore important that municipalities are also able to exert housing policy measures targeting inner-city housing stock and countering gentrification processes. The city or municipality may be entitled to a right of pre-emption when selling a plot of land on the basis of statutory provisions. The German Building Code (Baugesetzbuch) initially provides for a general right of first refusal. However, it does not apply to every plot of

land in the municipality, but only in certain cases - for example, for land in redevelopment areas or neighbourhood conservation areas (see above). The municipality can also introduce a special right of first refusal for certain areas by means of bylaws. If the right of preemption is exercised, a purchase agreement with the same content as that concluded by the owner with his purchaser is concluded between the owner and the municipality. The beneficiary, here the municipality, must therefore normally also pay the same purchase price as the owner had agreed with his buyer.

7.1.2.4 Inclusionary housing

De Kam et al. (2014, p. 389) describe inclusionary housing (IH) as a specific way to provide social or affordable housing that meets the following criteria:

Land is made available for building social housing, by reserving land especially for that use (and thus by protecting it from competition from other possible uses).

That land is made available at prices below the unconstrained market price for such land in such locations.

The land is made available in locations next to, or mixed with, land used for other purposes, so that the social housing which is built is not segregated but integrated with other uses, in particular with market-rate housing. Social housing is thus an element of development projects which contain a mix of uses.

The costs of making that land available, possibly also some of the costs of building the housing, will usually be subsidised out of the development gains arising from the whole development project.

What makes inclusionary housing different from other ways of providing social housing is that not only public or semi-public stakeholders are involved in the provision of social housing and that part of the costs are paid out of commercial profits. Next to that, the planning system is applied in a particular way to facilitate this. One of the most common forms of IH is inclusionary zoning, defined by Calavita & Mallach (2009, p. 15) as “land use regulations that require developers of market-rate residential development to set aside a small portion of their units, usually between 10 and 20 percent, for households unable to afford housing in the open market. Alternatively, they can choose to pay a fee or donate land in lieu of providing units.”

The UK is the country in Europe with the longest experience in IH policies (dating back to the early 1990s) and these policies have become the main tool for providing affordable housing there. However, Whitehead (2007) argues that IH should not be the only tool to increase the supply of affordable housing and that direct subsidies are also necessary. The opportunities to develop IH are much more limited in areas where (middle-class) demand for housing is low than in areas where the pressure on the housing market is high (Calavita & Mallach, 2010). Especially during recessions, IH policies fall short of delivering the needed amount of affordable housing (Mulliner & Maliene, 2013).

De Kam et al. (2014) argue that the wish to introduce IH is likely to be related to the housing system of a country. In chapter 2 we explained the difference between dual and

unitary rental markets. In dual markets there is a strong division between an unregulated private rental sector and a small state-governed social housing sector. The latter is strongly regulated and is targeted at low-income households. In unitary rental markets (e.g., Sweden, Denmark, Germany, Austria and The Netherlands) private and social housing providers operate in a common rental market. The social housing stock has a higher quality than in dual systems and is also accessible for more income categories. As countries with dual systems perform less well in terms of lacking affordable housing and producing higher levels of segregation, they are more likely to adopt IH policies. Next to this, the possibilities of introducing IH are related to the characteristics of the national planning system (like the division of property rights and development rights between private and public bodies).

Box 7.3: Examples of inclusionary housing from Gothenburg and Stuttgart

Germany and Sweden are examples of countries where experience with IH is limited. Although Munich was relatively early in developing IH policies (in 1994), it took 15 years before other cities (like Hamburg and Stuttgart) followed. In Germany, some cities tend to require that 20-30 percent of the apartments in each newly constructed building should be affordable. In return for the subsidies that are given, in the form low-cost and/or direct investment support, rents are guaranteed for a certain period, that can range from 15-30 years.

IH in Sweden was introduced on a very limited scale in 2013 when Gothenburg started a pilot project. The main objective of the IH policy in Gothenburg is to create a socially mixed area in the centrally located redevelopment area Älvstranden. Rents will be fixed for a period of 15 years.

An important difference between the Gothenburg and the Stuttgart case is that there is a strong resistance to defining target groups on the basis of income in Sweden. Influential stakeholders (e.g., politicians and the Tenants' Union) see it as a violation of the principles of the unitary housing model. Granath Hansson (2019, p. 20) concludes: "Based on predefined target groups and rent levels, German policy makers can prove positive or negative outcome of housing policies. Swedish policy makers, on the other hand, at present will be able to prove whether or not the affordable housing supply has been expanded, but they cannot ascertain whether the affordable housing created is also occupied by households with low- and mid-range incomes."

Another big contrast between the two cases is that in Gothenburg all land in the redevelopment area is in the hands of the municipal development corporation. In the city as a whole around three quarters of all the land planned for housing is owned by the City of Gothenburg, whereas Stuttgart has only limited land ownership. That means that Stuttgart is more dependent on private developers to provide affordable housing. Although IH policy was controversial in its initial stage, it is now seen as a useful tool. In Gothenburg, on the other hand, there are quicker and possibly less costly ways to increase the supply of affordable housing, for instance by stimulating the municipal housing companies to build more houses.

7.1.3 Private law

Private law represents a further area of intervention in which public authorities can engage to either promote the construction of affordable housing and create favourable environments or to provide sound protection for renters who lack the most influence and authority in the overall landscape of power distribution in the realm of housing.

7.1.3.1 Land trusts

A public land fund – held by municipalities or regions – creates long-term resources for these municipalities' or regions' active real estate policy through land stockpiling. Plots of land are continuously acquired by the public sector in order to manage these in a pool.

The fund therefore also serves as municipalities' or regions' instrument for exercising their right of pre-emption⁴, where this exists and is applicable.

A municipality can thus control sustainable and social urban development by granting the right of use of the trust's lands under heritable building right - thereby this land remains property of the municipality but right is granted to individuals to construct homes on it (see details about heritable building rights in section 7.1.3.3). Income from ground rent payable for these lands in turn finances the development of land as well as the long-term acquisition of further plots (Horlitz, 2017).

Land trusts may also be established as private, non-profit corporations that acquire, manage, and develop land for the production and stewardship of affordable housing, commonly known as Community Land Trusts (CLTs), a subject we will focus further on in section 7.2.1.

7.1.3.2 Spatial Planning Contracts

In the case of sale of land by the public sector, besides sale at maximum price (a so-called best bidder procedure), municipalities may opt to sell land to the bidder presenting the most suitable concept for the specific plot and may select this concept on the basis of a catalogue of criteria.

Other than the price offered by the bidders, their concepts' qualities regarding architecture and urban integration, energy and social standards (such as creation of affordable housing), – according to an evaluation key – determine the award of a contract by the municipality. The concepts become part of the land purchase contracts or are recorded in urban development contracts between the bidders and the municipality (Bundesministerium für Umwelt, Naturschutz, Bau und Reaktorsicherheit, 2016).

Zoning plans alone do not provide municipalities with the means to ensure that, and how, zoned properties are actually developed. Private spatial planning contracts have therefore become an important addition to municipal planning repertoire. Such private law contracts with property owners provide municipalities with the possibility to ensure that construction on zoned land is in conformity with zoning plans. They also ensure that this takes place shortly following contract conclusion, thereby avoiding unused and underused land, and hindering potential property and land speculation). Such contracts can also mandate that landowners have to contribute to infrastructure costs (such as roads and sewers). Through these planning contracts, municipalities can entrust the preparation and implementation of urban development measures to investors and project promoters and define framework conditions.

In connection with urban land use planning or other urban planning statute procedures, urban development contracts can serve to address urgent housing needs. Those willing to buy land and build undertake to cover costs and expenses incurred by the municipality, for example in production of social and technical infrastructure. The zoning of land for

⁴ right to acquire a property newly coming into existence before it can be offered to any other person/ legal entity or to acquire existing property in preference to any other person/ legal entity

construction is made dependent on these investors' willingness to cooperate with the municipality.

7.1.3.3 *Heritable building right*⁵

Since a building is usually considered an essential part of a property, the ownership of a property normally extends to the building. However, the heritable building right allows for a separation of ownership of the property and the building on it.

The introduction of the heritable building right was intended to promote housing construction by giving less affluent sections of the population the opportunity to build on the one hand, and by creating an instrument to combat land speculation on the other. Through this right, a private contractor receives the right to build or maintain a building on a property against the payment of a ground rent. The building is the property of the private contractor for a certain period of time - usually 99 years -, while the land remains within the ownership of the heritable building righter (Lichtenberg, 2020). This building righter can in principle be both private and public. If municipalities or other public entities function as righters and landowners, heritable building rights can be used as a tool to offer land below market price.

The heritable building right is established by a leasehold contract between the building owner and the property owner and entry in the land register. The heritable building right itself is treated like a piece of land. It can be sold, inherited and encumbered; it remains in place even in the event of a foreclosure of the property.

The owner of the building therefore is the heritable building right owner, not the property owner. If the heritable building right expires, the building becomes an essential part of the property, i.e., the property owner then becomes the owner of the building. The heritable building right expires at the end of the agreed time. Erected buildings do not have to be removed from the property after the agreed time has elapsed.

The ground rent is based on the land's value at the beginning of the term and is stipulated in the leasehold contract. As a rule, a percentage of the current land value at the beginning of the term is set as ground rent. In the case of the return of the granted right to the original rightsholder – as a result of breaches of contract or insolvency –, the rightsholder must replace the building value at least proportionately. With the termination of the heritable building right, land and buildings merge again into an economic unit. The heritable building right holder must also pay property tax in the form of ground rent.

Heritable building rights are mainly granted by municipalities, churches, foundations and companies. With the heritable building right, a plot of land can be excluded from the market for land speculation, since the heritable building owner is contractually obliged to develop the property. Heritable building rights offer property owners the opportunity to impose on the heritable building owner how to exercise his or her ownership.

Against the background of significantly rising land prices and in order to promote and maintain low-priced housing, especially in cities, the instrument of heritable building

⁵ Also known as Ground lease/ Concessions of the right to build/ Right of leasehold

rights has been experiencing a renaissance in Germany since about 2018/2019: Cities and municipalities, as well as federal and state governments, are increasingly considering the allocation of land inheritable building rights – not least due to corresponding pressure from civil society. On average, in major German cities like Hamburg, Frankfurt, Munich and Stuttgart, land prices have doubled between 2011 and 2017, in Berlin they have risen three-fold. In 2019, only 5% of all residential buildings in Germany are erected on land under heritable building rights. The head association of tenants argues that central and federal states should only be allowed to sell land at reduced costs to municipalities for them to lease the land under heritable building conditions. This would prevent speculation and encourage investors to build affordable housing (FAZ, 25 July 2019).

7.1.3.4 Rent regulation

Rent regulation is a policy aimed at improving housing affordability by controlling the rental market. It is normally implemented at national level, less frequently at regional or local level (depending on constitutional frameworks).

“Rent regulation” denominates a system of laws, which aims at ensuring the affordability of housing on the rental market. Generally, a system of rent regulation involves:

- Rent controls: limits on the rent that a landlord may charge
- Eviction controls: standards by which a landlord may terminate a tenancy (see also section 3.6 on policies to prevent evictions)
- Obligations for both landlord and tenant regarding adequate maintenance of the property
- A system of oversight and enforcement by an independent regulator

As of 2016, at least 14 of the 36 OECD countries had some form of rent control in effect.

Rent controls are intended to protect tenants in private rental properties from excessive rent hikes by mandating gradual rent increases, while at the same time ensuring that landlords receive a return on their investment.

Box 7.4: Types of rent control

1. Rent freeze systems (“absolute” rent control or “first generation” rent control)

Rents are kept at a pre-determined level, typically that of the year when the law was introduced. For newly constructed units, no rent increases are allowed after the units are rented out. Such kinds of laws were mainly implemented in Europe after World War II to avoid rapid increases in rent due to rising demand from refugees or returning soldiers. This type of rent control has mostly been abolished since then. Apart from a failed attempt by Berlin to introduce new rent freeze legislation in 2020 (Sagner & Voigtländer, 2022), first generation rent control is not applied anymore in Europe (Kettunen & Ruonavaara, 2021).

2. Tenancy rent control (or ‘second and third generation rent control’)

The most common form of rent control is a limit on the amount of rent increase, while initial rents are freely negotiable. The maximum allowable increase is either:

- a fixed percentage
- a fraction of the construction cost index or consumer price index (CPI)
- a combination of the two

Usually, a distinction is made between second and third generation rent control. Second generation rent control is a stricter form of regulation as it addresses both initial rents and rent increases, while third generation rent control is only targeted at rent increases. Second- or third generation rent control is applied in about half the European countries (Kettunen & Ruonavaara, 2021). Tenancy rent control is typically accompanied by vacancy decontrol – i.e., when the unit is vacant, rents can be increased by any amount. Newly constructed buildings are usually exempt from rent control.

Rent control, like any form of regulation, is of course a highly controversial topic, closely related to one's understanding of the necessary role of the state. Neoclassical economists tend to argue that rent controls lead to the following negative side-effects:

- Rent control reduces the incentive of landlords to supply rental units. Rental units tend to be in scarce supply under rent control. Some studies suggest that rent controls in the long run diminish the supply in local, especially urban rental markets. Thus, while rents may be low and a particular urban region therefore may seem attractive for renters to move there, not enough units are available for newcomers. Rent controls are therefore seen by some economists as favouring long time renters at the expense of newcomers and migrants.
- Rent control may discourage landlords from maintaining and repairing units till the end of a tenancy.
- If rent increases are allowed between vacancies, landlords may be more likely to evict tenants.
- For the same reason, there may also be an incentive for landlords to discriminate against tenants likely to stay for longer periods, like retirees or couples with children.
- Tenants in rent-controlled units are less willing to move, which leads to an inefficient allocation of houses (e.g., empty-nest households stay in large apartments, while young families are living in apartments that are too small for them). It may also lead to an increasing labour market mismatch when households living in rent-controlled houses are reluctant to move for work reasons.

The evidence for these negative side-effects is mixed and seems to apply more to first-generation rent control (which are rather uncommon) than to later-generations rent controls (Gibb et al., 2022; see box. 7.4 for an explanation of different generation of rent controls).

Kettunen & Ruonavaara (2021) made an overview of rent regulations in 33 European countries (see table 7.1). All countries have had some type of rent regulation system in the (sometimes distant) past, but due the dominant trend of neo-liberalization (as discussed in Chapter 2) the private rental sector operates now in a free market in most of the countries. Nevertheless, in 16 out of the 33 countries studied there is still some form of rent regulation. There is an association between the type of welfare state and rent regulation, but there is also a lot of variation within welfare regimes (see also section

2.2.2 on the different welfare regimes in Europe). In most Southern European welfare regimes, the private rental sector is a free market, although Spain and Cyprus do have a form of third generation rent control. Ten out of 12 post-socialist welfare countries do not have rent regulations. After the collapse of communism, these countries tended to liberalize their housing markets and to privatize their rental housing stock. This has led to a dominance of homeownership, and a limited policy attention for the relatively small private rental sector, which is often subject to informal practices (Hegedüs et al., 2018; see also Box 2.2). Croatia and Poland are the only post-socialist countries with rent regulation, but the size of the private rental sector in both countries is very modest.

It can be concluded that there are still many countries in Europe that apply some form of rent regulation, despite the dominant trend of neo-liberalization. There are even countries that strengthened their regulation in recent years. Ireland and Scotland have moved away from free market systems by introducing rent stabilisation in areas of high demand, and Germany has introduced similar measures (Gibb et al., 2022). Next to that, in 2022 the Dutch government has announced a re-introduction of rent caps for ‘medium expensive’ rental dwellings (up to 1250 € monthly rent)⁶ and in Spain, the left-wing government passed a “Right to Housing Law”, which allows regional governments to impose rent caps for apartments owned by landlords (with 10 properties or more) in high demand areas⁷. Whether these developments indicate a beginning of a widespread trend to reregulate the private rental sector remains to be seen.

Table 7.1: Forms of Rent regulation in 33 European countries

| RENT REGULATION | NO RENT REGULATION |
|--|--------------------|
| <i>Second generation rent control</i> | Bulgaria (P) |
| Austria (C) | Czech Republic (P) |
| Denmark (S) | England (L) |
| France (C) | Estonia (P) |
| Ireland (L) | Finland (S) |
| The Netherlands (C) | Greece (SE) |
| Sweden (S) | Hungary (P) |
| | Iceland (S) |
| <i>Third generation rent control</i> | Italy (SE) |
| Belgium (C) | Latvia (P) |
| Croatia (P) | Lithuania (P) |
| Cyprus (SE) | Malta (SE) |
| Germany (C) | Portugal (SE) |
| Luxemburg (C) | Romania (P) |

6 See: <https://nos.nl/artikel/2429426-kabinet-wil-ingrijpen-in-vrije-markt-woekerprijzen-middenhuur-aan-banden>

7 See: Spain's new right to housing law sets rent control nationwide ; <https://qz.com/2112918/spains-new-right-to-housing-law-sets-rent-control-nationwide/#:~:text=The%20Ley%20por%20el%20Derecho,unrented%20for%20long%20periods%2C%20and>

| | |
|-----------------|--------------|
| Norway (S) | Serbia (P) |
| Poland (P) | Slovakia (P) |
| Scotland (L) | Slovenia (P) |
| Spain (SE) | |
| Switzerland (C) | |

(S) = Social democratic welfare state; (C) = Corporatist welfare state; (L) = Liberal welfare state; (SE) = South European welfare state; (P) = Post-socialist welfare state

Source: Kettunen & Ruonavaara (2021), adaptation from table 2 and Appendix 1.

7.1.3.5 Reform of the financial system

As we have seen in the previous parts of this textbook, the existence or lack of affordable housing is not only influenced by decisions or non-decisions with regard to housing. Developments in other policy areas can have a strong and often overlooked impact on housing. To curb the financialization of housing that we examined in Chapter 2, the banking system would have to be reformed. Due to the deregulation of the financial sector, leading to waves of mergers and acquisitions, the bank system has become less diverse. In Anglo-Saxon economies, large shareholder banks, combining investment- and retail-banking functions, dominate the financial sector. These banks tend to favour mortgage lending, requiring property as collateral and generating profits through securitization, at the expense of loans to small and medium enterprises, which are seen as unattractive due to the high transaction cost for relatively small loans. The enormous expansion in mortgage credit supply has led to inflation of housing prices and to increasing financial instability.

Ryan-Collins (2021) contrasts this shareholder banking model with “stakeholder banks” which are prevalent in countries such as Germany, Switzerland and Austria. Stakeholder banks focus more on loans to businesses (productive property) than mortgage loans (unproductive property) and the de-risking of their loans is not so much based on requiring property as collateral, but on building up strong and long-lasting relationships. Whereas the average mortgage credit as proportion of the GDP in all advanced economies has risen since the early 1990s from 40% to 70% (as opposed to 50% non-mortgage credit), mortgage lending is only 30% of the GDP in Germany, which is substantially lower than the lending to non-financial businesses, that stands at 40% (Ryan-Collins, 2018). This may be one of the reasons why the housing price: income ratio has fallen in Germany since 1995 (meaning that housing affordability has improved) while this ratio has substantially increased in Anglo-Saxon economies (Ryan-Collins, 2021).

Ryan-Collins (2021) not only advocates for reforms leading to changes in the ownership of banks (resulting in more priority for business lending at the expense of property lending) but also for the creation – or greater support for – state investment banks (SIB’s). These banks can stimulate economic innovation by making long-term investments in

growth sectors (like sustainable energy) which private banks may see as too risky or too low yielding. Countries with large SIBs, like Germany and South Korea, are characterised by falling house price: income ratios in the last two decades.

Measures to de-financialize housing should not only focus on the role of banks and mortgage lending, but also on financial market actors, like companies listed on stock exchange that acquired large housing portfolios (Wijburg, 2021). These companies hardly pay taxes and play a large role, pressured by their shareholders, in creating real estate booms through speculative and debt-fuelled investments. Additional regulations and changes in tax codes are necessary to de-financialize housing economies. Recently, the Dutch government made a step in this direction by quadrupling the real estate transfer tax (as of 2021) from 2% to 8% for investors acquiring residential real estate. The lower 2% rate for residential real estate will only apply to individuals who use the property as their main residence. For first-time buyers between 18 and 35, the transfer tax is even reduced to 0%. Another regulatory tool to curb the role of institutional investors in the Netherlands is the introduction of a residence requirement (woonplicht) in 2020. Since, 2022 municipalities can opt for this residence requirement not only for new dwellings, but also for owner-occupied dwellings in the existing housing stock. This makes it much more difficult to invest in buy-to-lets and second homes⁸. For instance, in Amsterdam, the residence requirement applies to all houses below the value of € 512.000.⁹

One of the main obstacles in regulating real estate investors is their use of off-shore channels (Wijburg, 2021). Hendrikse & Fernandez (2019, p. 35) argue: “Citizens worldwide need to reclaim democratic oversight over what constitutionally is – or should be – popular sovereignty (...) It will need a spotlight on global corporations and elites avoiding public responsibility and scrutiny who urgently need to be relieved from the vast political power they enjoy and exert.”

Not only national governments, but also **European institutions** may play a role in creating more affordable housing. The European Investment Bank (EIB) has recently increased its loans to social and affordable housing, both for retrofitting existing housing and constructing new housing. The EIB lends to a diversity of institutions, including housing associations, municipal companies and banks (Gabor & Kohl, 2022). For example, the EIB participates in the French “Alliance Européenne pour un logement social durable et inclusive”, which brings together the French social housing federation USH, the public Banque des Territoires (former Caisse des Depots et Consignations), the EIB, and the Council of Europe Development Bank to facilitate access to European financing for social housing providers (Housing Europe, 2022). However, Gabor & Kohl (2022, p. 80) point out that the role of the EIB is still limited: “its portfolio of loans to social housing projects across Europe, roughly at EUR 1.2bn, is smaller than Blackstone’s BPPE fund investments in residential assets in Germany and Holland (EUR 1.9bn).” Therefore, they plead for the establishment of a European Housing Fund (EHF). This fund should not only boost the construction of new housing, but could also play a role in

⁸ A second home is only occupied during part of the year, because it is used as a holiday home for instance.

⁹ See: Amsterdam proposes new rules to protect housing from investors (iamexpat.nl)

the decarbonisation of the building stock, for which an additional investment of €10bn per year is required until 2050 (Housing Europe, 2021)

Gabor & Kohl (2022) argue that the funding instruments of the EHF could be inspired by successful national housing finance models, like the ones in Sweden or Germany where the building of affordable houses is financed by national pension and social security funds and where governments have obliged insurance companies to invest in residential housing construction. Moreover, the EHF could, unlike the EIB, function as a countercyclical force and curb the trend that ownership of houses moves from public/private hands to institutional parties after a collapse of the housing market resulting in the rise of non-performing mortgage loans. When housing asset bubbles collapse in the future, the European Housing Fund should become the public owner of distressed housing collateral and it should ensure that the housing stock it acquires is adequate and affordable.

7.1.4 Street-level bureaucracy & leeway in implementation

For the topic of informality in housing, very often the actual policies and laws on paper are less important than their lack of enforcement. This means that the identified levels of governance may be responsible for policy formulation and decision, but informality and precariousness nevertheless persist because the policy intervention is not strong enough, and does have unexpected side effects (e.g. urban renewal leading to higher rents and displacement) or is simply ignored. This can be caused by a lack of compliance with legislation on behalf of bureaucrats, for instance, because they are understaffed, lack resources or knowledge in case legislation is changing quickly. It can also be caused by ambiguous policy formulations and goals (Matland, 1995). From a top-down perspective, informality is then regarded as a control problem on behalf of the political system. From a bottom-up perspective, however, discretion on behalf of the street-level bureaucracy can help policy implementers tailor a policy to specific circumstances (Thomann et al., 2018). As Hanna Hilbrandt's study on informal living arrangements in Berlin's allotment gardens demonstrates (see also Box 5.2), governance arrangements in which rule-breaking is "mostly accommodated by all concerned" tends to be the norm in some contexts (2021, p. 6). This is often the case when practices of informal dwelling contradict official legislation. For example, in cases where squatting or building without a permit is the only available option for seeking shelter and where no other solutions to housing needs are provided. In these instances, as we outline below, there is often a tacit toleration of informal accommodation.

7.1.4.1 Tacit toleration towards informal housing

In the sphere of administrative law, the lack of implementing measures through inaction, omission, or toleration is as important as the policy measures actually implemented (Szente & Lachmayer, 2017). The tacit or implicit toleration and authorities' inactivity are exercised as a viable, although informal, hidden and often underestimated, policy response to informal housing. Whatever the grounds for suspending demolitions or evictions, government inaction grants vulnerable groups access to affordable though often inadequate housing, while keeping informal settlement or squatting in abandoned buildings intact and even supporting their proliferation. For example, for several decades,

the national and local authorities in Bulgaria did not move to dislodge families in the unlawful Roma settlement in Batalova Vodenitsa in Sofia and, therefore, de facto tolerated it (ECHR, 2012). Similarly, many informal settlements in Turkey (“*gecekondu*”) have been on the public and political agenda since the 1940s, however, they have rarely been targeted as a violation of property rights prior to the new millennium (Munk, 2014).

National and local authorities have different reasons for tolerating informal settlements and squatting. The main factors influencing toleration include types and location of informal settlements and occupations, and the profile of their residents, actors involved in the governance of informality and their capacity and motivation to intervene, including timing and political cycles (Smart & Aguilera, 2020).

In many Central and South-Eastern European countries, representatives of central and local governments exercise informal methods of intimidation, coercion and electoral clientelist practices in vulnerable communities living in informal settlements. Thus, informal housing is (ab)used for exercising informal political power (which is difficult to denounce and fight against)¹⁰. The threat of demolition of informal settlements or false promises for upgrading and/or legalisation of informal settlements are used to influence their residents’ electoral choices during elections and also to consolidate support among far-right and nationalists’ subgroups (Mack et al., 2017).

Counter to common perceptions, the presence of informal settlements is not a phenomenon concerning only those countries that have more recently joined the EU. As we examined in chapter 4.4.2, in Southern Europe, where migrant workers are often exploited in seasonal agricultural work (for example in tomato, orange or strawberry harvesting), informal settlements proliferate nearby. Often these settlements are self-built by these workers and tolerated by local authorities, at least until some accident (e.g., fires, flooding, building collapse) occurs and draws the attention of local authorities and media to such sites.

Box 7.5: Examples of informality outside the EU

The huge demand for affordable housing, and the limited opportunities to increase the supply of such affordable housing, have become objective reasons for tolerating informal housing. This is the case globally, with examples extending far beyond the EU. For example, in Vancouver, the authorities tolerate apartments built upon without permits inside detached houses since these subdivided and sublet units comprise about 20 per cent of the local rental housing stock and significantly contribute to the supply of affordable housing (Mendez, 2011). In the USA (Fresno, Ontario, Sacramento, and Ventura) the city officials’ tolerance of informal encampments in marginal spaces is viewed as a complementary policy instrument that saves public expenditures on policing and displacing the homeless. Tolerating informal housing here also serves to relieve pressure on the downtown parks and other commercial interests, which have historically been battlegrounds of policing and clearance (Herring, 2014).

The scale and complexity of the problems associated with informal settlements prevent most authorities from addressing them comprehensively and, as a result, interventions are often limited in nature and based on a piece-meal approach.

USAID and UN-Habitat reports underline the lack of capacity of whole regions in the Global South (for example: Afghanistan, Algeria, Lebanon, Libya, Mauritania, Palestine, Soudan, Syria and Yemen) to address the issue of informal housing since many of them were affected by (civil) wars and other conflicts that aggravated housing poverty and moved the topic of informal housing altogether out of the local policy agenda or at least pushed it to the bottom (Gebremedhin, 2005; Diab et al., 2020). Moreover, in the

¹⁰ <https://revdem.ceu.edu/2021/11/12/informal-power-undermining-democracy-under-the-eus-radar-in-hungary-and-poland/> , last access: July 15, 2022

Balkans (Kosovo, Serbia and Bosnia), informal self-built housing constructed by the soldiers who fought in the wars and by refugees was considered a publicly applauded act of appreciation of the heroes or the victims (Pojani, 2019).

International organisations play a central role in monitoring and preserving the human rights enshrined in international covenants, charters and treaties related to adequate and accessible housing for the low-income families residing in informal settlements. The bulk of reports, decisions, judgments and recommendations delivered by national and international human rights NGOs, the EU Agency for Fundamental Rights, the European Court of Human Rights, the UN Special rapporteur on the Right to adequate Housing, the United Nations Committee on Economic, Social and Cultural Rights, and the Council of Europe's European Committee of Social Rights proved to have a preventive impact on national and local policy measures that could breach the right to housing. In some cases, those instruments incentivise authorities to turn a blind eye (Smart & Aguilera, 2020) in order to avoid political risks related to possible violations of human rights and encourage legislative amendments and policy initiatives aimed at implementing the highest standards of human rights protection of the residents of informal settlements, including a shift from eviction and demolition to redevelopment and improvement.

In accordance with the recommendations of international human rights organizations, more or less half-hearted activities are being undertaken to start the legalization of informal housing. This type of toleration is close to the situation of so-called "Inexorable whitening" and "Good enough toleration" when public authorities consider legalization unavoidable (Ibid.). Such are, for example, the Tolerance Certificate in Bulgaria which does not establish full-fledged ownership rights but prevents the risks of eviction and demolition of informal houses (see Box 5.7). This form of tolerance of informal housing is legal and practically allows informal housing under this regime to be preserved indefinitely and to be inherited or sold. In Romania, the legislative framework for the recognition and improvement of living conditions in informal settlements (L.151/2019) also stipulates a long period (five years) for approving and appealing against the landscaping and urban planning documents adopted in relation to informal settlements. The Greek Law 4014/2011 allowed an even lengthier period of 30 years for the so-called temporary formalization of planning and building informalities (UN, 2015). These long periods, on the one hand, are conceived to allow for better organization of the political and administrative processes that are required to enact the transition from informality to various forms of legalization. At the same time, in many cases, the delay allows local authorities to postpone the problem for the next political cycle and to transfer responsibility to a political opponent.

Ultimately, if toleration does not transfer into legalization, precarity remains a threat to the inhabitants of informal settlements. As a comparative political economy of toleration in Hong Kong and Paris demonstrates, toleration is always selective and conditional, and can have negative consequences for all of those squatters who remain beyond the option of legalisation (Smart & Aguilera, 2020).

7.2 Civil society interventions

Besides governmental actors and authorities, civil society organisations (CBOs) and Nongovernmental Organisations (NGOs) in various forms and competencies may likewise act in the realm of housing. Structures and forms of civil engagement vary considerably in different European countries and regions, as do the legal framework conditions for such engagement. In many instances, CBOs and NGOs are likely to cooperate with local, regional and national authorities or they might be receiving funding from public sources, while others partly or solely rely on private donors, funders or members. Their work may also originate from self-help attempts of affected groups.

7.2.1 Community Land Trusts (CLTs)

In section 7.1.3.1, we saw how a municipality can grant the right of use of a trust's lands under heritable building right – thereby, this land remains property of the municipality but right is granted to individuals to construct homes on it. Similarly, non-profit organisations can create community land trusts (CLTs).

A CLT is a non-profit corporation that holds land on behalf of a place-based community, while serving as the long-term steward for affordable housing, community gardens, civic buildings, commercial spaces and other community assets on behalf of a community. CLTs balance the needs of individuals who want security of tenure in occupying and using land and housing, with the needs of the surrounding community, striving to secure a variety of social purposes such as maintaining the affordability of local housing, preventing the displacement of vulnerable residents, and promoting economic and racial inclusion.

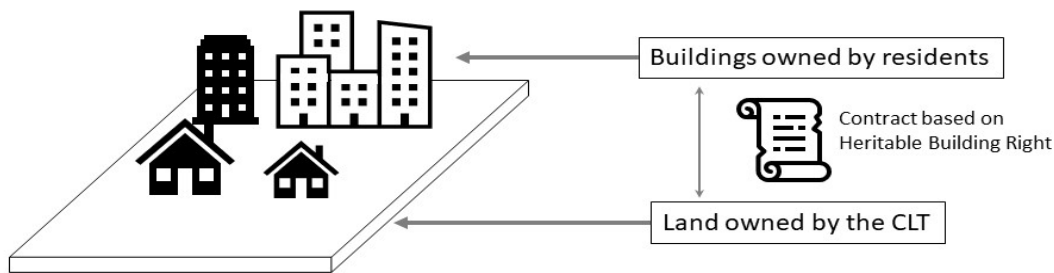
CLTs are not-for-profit, self-governing companies whose primary objective is the fiduciary management of community land ownership in order to provide it for socially organized housing, but also for other purposes – ranging from community gardens to agricultural or commercial uses.

CLTs can be located between residential property and rent, similar to other cooperative models such as housing cooperatives. Their goal is to decouple housing from market development by restricting the purchase price, use and resale (Axel-Lute, 2010; The Federal Reserve Bank of Richmond, 2012).

The CLT model was originally developed in the USA during the 1960s and has received increased attention over the past decade, especially since the financial and housing crisis. There are currently around 250 CLTs in the USA, and similar trusts are now being set up in Canada, England, Belgium and New Zealand.

CLTs have a dual structure comparable to the hereditary lease system, in which the ownership of land and building is separated from each other. In this dual ownership model, the owner of land is a non-profit, jointly organized company that acquires land in a specific geographical area with the intention of retaining this ownership for an unlimited period of time (see Figure 3).

Figure 7.3: CLT's ownership model 1



Source: Tania Berger

Single-family houses can be built on this land, as well as apartment buildings, cooperative apartments, condominiums, and mixed-use buildings that also include commercial space and offices. CLTs lease land over long terms, usually for 99 years.

The sale of real estate on CLT land is subject to a resale regulation, which is laid down in the lease agreement and usually grants the CLT a right of first refusal. The CLT resells ownership of the building at a below market price value to a buyer adhering to fixed income conditions, while the ownership of land remains with the CLT.

The conditions of resale of the building (or other built structures) in most CLTs are designed in such a way that they guarantee the out moving residents a certain profit on their investments while allowing the new users access to low-cost housing. The exact rules vary from trust to trust.

In general, however, the sellers are reimbursed for their investments made plus 25% of the increase in value determined by an appraisal, while the trust retains the remaining 75% of the increase in value and thus subsidizes the resale. In this way, the CLT can permanently offer housing below market value.

CLTs often also try to address issues at the neighbourhood level that go beyond affordable housing, such as the protection of a specific milieu or environment. A key feature of the CLT model is the way the trusts are managed: CLTs are so-called community-based organizations. Their boards consist of one-third of residents and users, one-third of people from the neighbourhood and another third of local public figures.

CLTs thereby limit the influence of residents and instead emphasize the neighbourly and social components of housing supply – a form of management that reflects the communal understanding of land that is so central to the CLT model. In this way, the legal-organizational structure of the CLTs mediates between the possibly rather short-term interests of the residents and the long-term objectives of the trust and the respective neighbourhood.

7.2.2 Syndicate of cooperative rental housing

The Mietshäuser Syndikat is a cooperative and non-commercially organized investment company in Germany for the joint acquisition of houses. These houses are transferred

to collective ownership in order to create affordable housing in the long term. By June 2021, the Syndikat had been involved in 166 house projects in Germany.

The Syndicate participates in residential projects so that they cannot be resold later. It supports and advises these projects on financing and legal issues but does not provide any capital itself. The Syndicate is a grassroots democratic network with nodes throughout Germany.

A jointly managed “solidarity fund” constitutes the Syndikat’s most important instrument. The houses in question do not become the property of the Syndikat, but of its own limited liability company, in which the respective house’s association and the Syndikat are shareholders. The title of ownership of the property lies with the limited liability company. Voting rights are defined in the contract of the limited liability company and – unlike how this is usually handled – are not linked to neither the amount nor the value of the shares.

Through the house’s association, the users manage their property in their own right. Association and Syndikat have vote parity in the limited liability company. Thereby, sale or conversion of the respective house is only possible by mutual agreement of these two.

The Syndikat has its origins in the cooperative aims and practices of the squatter scene, a loose coalition of left-wing movements and activists exploring alternative ways of living in cities since the 1960s. Part of the ethos underpinning this scene has been a rejection of property relations and a desire to escape the influence of large banks, corporations, and the state over housing rights and residency. Elements of this focus on cooperative community building, consensus, and alternatives to property seen only as an investment, run through the work of schemes like Syndikat.¹¹

7.2.3 Housing activism and advocacy

Alongside the civil society initiatives of NGOs and community-focused forms of organising, responses to precarious housing also come from social movements and advocacy groups established to both raise awareness of precarious housing conditions and seek ways to transform those conditions. The challenges of precarious housing that we have outlined throughout this book are significant and often impact a wide range of groups across European societies, as structural tensions between housing provision, property markets, and the needs and desires of residents shape how housing is experienced. These tensions have also been further exacerbated by the fiscal shocks of the 2008 financial crisis and its impacts on unemployment, wages, and living standards, and more recently by the COVID-19 pandemic and its impact on European economies. In this turbulent context, it is not surprising that Europe has seen a growth of housing rights movements, asserting the need to challenge the structures that place people in precarious housing and to improve residential conditions, be that through specific policy change or more widespread structural transformations in society (Lancione, 2020; Polanska et al., 2019; Vilenica et al., 2020).

Housing rights movements and advocacy campaigns vary considerably across Europe, with specific demands and issues being raised in different countries, from the anti-

¹¹ See the Syndikat’s website: <https://www.syndikat.org/en/>

eviction movements of Spain (García-Lamarca, 2017; Romanos, 2013), to concerns over how high rents and unaffordability are constraining the life opportunities of ‘generation rent’ in Ireland (Byrne, 2019; Waldron, 2021). What unites these movements is a concern with identifying and addressing the conditions that produce precarious housing. In these terms, housing rights movements are often framed around three central claims, demanding the right to the city, the right to housing, and the right to stay put. As Polanska et al. (2019, p.1586) highlight, these rights’ demands are often translated into specific calls for ‘the improvement of particular housing conditions, challenging displacement and evictions, or demanding autonomy in decision making’. Often movements for housing rights will combine all three of these areas of focus and seek to work both in the short-term for immediate improvements in conditions, and in the longer-term, aiming at changing policy or promoting public discussion of housing rights and the inequities of the current market-led approach to housing. In this sense, many housing rights movements draw attention to experiences and conditions of housing precarity in an effort to increase public debate and awareness of the commodification of housing and its damaging effects across European societies (Lima, 2021).

Whilst space precludes a detailed examination of the politics of housing movements in Europe (for an overview and critical discussion see Wills, 2016; Annunziata & Lees, 2016), we want to focus on one example to draw out some key points that illustrate the important role housing movements can play in contesting the rise of precarious housing. We return to the PAH that we already portrayed in chapter 3.7.

The Platform for People Affected by Mortgages (PAH), began in Barcelona in 2009 and has since spread to more than two hundred cities, making it Spain’s largest housing movement (Martinez, 2019). Originally, PAH was established to halt the evictions of people unable to pay their mortgages and was thus focused on protecting residents from foreclosures and enacting ‘the right to stay put’. The pressure of evictions in Spain was particularly stark in the wake of the 2008 financial crash and the high levels of unemployment across the country at this time, with 325,000 foreclosures being reported between 2007 and 2011, and 500 eviction orders being issued a day in 2019 (García-Lamarca, 2019). In this context, the initial work of PAH focused on stalling and halting evictions through whatever means were available. In practice, this meant a combination of attempted negotiations with banks, local government, and eviction agencies, and more direct-action measures of blockading residents in their properties and forcibly disrupting eviction practices (Romanos, 2013). Over time, the focus of PAH developed beyond simply those facing mortgage foreclosures and extended to residents affected by spiralling rent rises and facing evictions as a result of the unaffordable nature of housing. In this way, a movement that had begun with a focus on mortgage debt, became concerned with the impacts of austerity, unemployment, and the affordability of the right to housing more widely, a move that was important in gaining wider public support and profile for their work (Martinez, 2019).

In working on trying and bringing issues of precarious housing to the wider public consciousness in Spain, a central aim of PAH was, as Martinez (2019, p.1561) recounts, to ‘demand all political parties ‘guarantee the right to housing and to stop evictions and poverty due to unaffordable home supplies’’. More specifically, PAH sought a legal

mandate to make 'nonrecourse debt' mandatory for mortgages, meaning that once a house was foreclosed the debt associated with it would be fully cancelled, thereby addressing a Spanish context in which 'most people unable to pay off a mortgage loan not only lose their homes but also remain in debt to their creditors' (ibid). PAH also sought a moratorium on evictions, made a demand for affordable rental prices, and outlined a series of principles for housing policy, including the need for further affordable housing.

These policy proposals were combined with other forms of direct-action through PAH, as they undertook a series of occupations of buildings owned by banks that had been bailed out by the Spanish government following the financial crash. PAH sought to position these banks as illegitimate owners of these properties and a range of homeless people, migrants, and families who had suffered eviction took places occupying these sites (García-Lamarca, 2016). One effect of this has been to prompt further occupations, as groups of residents beyond the PAH movement find temporary and informal solutions to housing crises through the occupation of unused or empty properties. At the same time, the interventions of PAH have, in some cases, prompted local governments to halt evictions and to provide emergency housing for precariously housed residents (García-Lamarca, 2019).

As a housing movement, PAH combines elements of direct action, resistance, and occupation, with more institutional forms of political pressure, negotiation, and lobbying. Martinez (2019) argues that the movement has been successful in preventing over 2,000 household evictions, and a sign of that success has been that forms of physical blockading and resistance have become less necessary as activists became more skilled in negotiations over evictions. Similarly, as García-Lamarca (2017) argues, the actions of PAH have served to create new political subjects as the act of protesting for the right to housing repositions precarious subjects as political actors with voice, agency, and influence. In this sense, resisting the precariousness of housing can be an opening to resisting other forms of social precarity and exclusion.

Beyond the Spanish case, it is important to recognise that housing movements and activists do not act in isolation. Rather, there are forms of transnational solidarity and cooperation that bind movements together, often with the aim of effecting change on transnational scales. Thus, housing rights movements have been influential in seeking to change policy at the European level as already discussed, and ideas for successful campaigns on housing rights circulate among groups situated in different towns, cities, and countries (Di Feliciano, 2017). Increasingly, rights' movements are coordinating actions to tackle the structural constraints they are faced with when challenging housing policies, recognising that tackling precarious housing is an international, and long-term, political struggle (Rolnik, 2014; Vilenica et al., 2020).

Alongside these international connections, housing rights' movements are increasingly linked to other forms of social movement and other areas of social justice, in recognition of the fact that the politics of housing does not exist in isolation of a range from other issues. In this sense, housing rights' movements must find connections and common cause with other social movements and groups. Discrimination in the housing market, for example, demands links between movements for housing justice and anti-racist organising that have long-standing experience in challenging such discrimination. In the

UK, for example, challenging the 'Right to Rent' policy which places landlords under a legal obligation to check the immigration status of all tenants, has involved working with migrant's rights' organisations to both contest the wider range of 'hostile environment policies' that target migrants and to highlight how this policy leads to discrimination as landlords as unwilling to rent to migrants irrespective of their legal status (Crawford et al., 2020). Addressing the exclusions of housing thus requires housing rights' movements and activists to work strategically with a wide range of other issues around poverty, discrimination, migration, and citizenship, in order to find coherent solutions that address the intersectional nature of precariousness and its effects.

7.2.4 Good practices for migrants' and refugees' housing inclusion in Europe

Access to adequate and affordable housing for migrants and refugees is a key determinant of their successful integration in host societies, a topic we discussed in Chapter 4. Housing conditions – and the simple fact of having a residency - strongly impact employment, health, healthcare and educational opportunities and the interactions between migrants and host communities. In many countries, the possibility of family reunification is also dependent on housing conditions. Segregation and poor housing conditions can aggravate tensions and damage social cohesiveness. Increasing housing prices, a lack of affordable and social housing, and discrimination make it difficult for migrants to find suitable and long-term housing alternatives.

The UN Committee on Economic, Social and Cultural Rights (UNCESCR) recognizes seven positive characteristics of the right to housing such as legal security of tenure, availability of services, materials, facilities and infrastructure, affordability, habitability, accessibility, location and cultural adequacy (see also OSCE/ODHIR, 2018). All these conditions guarantee the incorporation of a right-based perspective for migrants' access to suitable housing conditions. These characteristics, specifically the need for cultural adequacy, affordability and security of tenure, are particularly relevant to migrants. Challenges in realizing the right to housing will differ for men and women, and women are likely to encounter particular difficulties in accessing adequate housing, including land ownership and security of tenure, equality in access to land and tenure, access to credit and finance, inheritance rights and protection from domestic and other gender-based violence. In this vein, this section identifies a series of examples of housing projects that try to address the needs of migrants and refugees.

7.2.4.1 *Facilitating housing and rental accommodation for migrants and refugees*

In the **United Kingdom**, the *Leeds Housing Partnership* was selected as Best Practice from the UNESCO UN-HABITAT Barcelona Meeting in February 2010. This partnership is a public-private partnership of landlords, voluntary housing organizations, and local authorities. This group came together around the recognition that housing and housing providers could directly contribute to community cohesion and economic regeneration by actively engaging and considering the needs of ethnic and minority groups during the consultative and strategic planning processes. As a result, and as part of the overall Leeds Housing Strategy of 2005 - 2010, the Leeds Housing Partnership released the

“Black and Minority Ethnic Housing Strategy and Action Plan” which was embedded in the Vision for Leeds II 2004 – 2010. The impact of this plan is that it focuses exclusively on the needs and concerns of local residents specifically from the most disadvantaged communities.

Another example is the Welcome Home Program (*Witaj w domu*¹²) implemented in **Warsaw (Poland)**. The Welcome Home program provides housing support for refugee families at risk of homelessness. Currently operating in Warsaw, the program rents flats from landlords and subsequently sublets these flats to refugee families, charging a below-market rent that they can afford. The rent is gradually increased over two to three years until the family gains independence and can pay it in full. Participants in the program also receive other types of support, including assistance from specialists and Polish language lessons. The goal of the program is to help refugee families who are at risk of social marginalisation to become independent, especially families at risk of homelessness. Welcome Home rents flats both on the open rental market and from people who want to support the program by renting their flats at below-market rates. To avoid instability in housing, landlords must agree to rent out their flats for at least two years. Then the program sublets these flats to refugee families at below-market rates or no cost.

In **Amsterdam (Netherlands)**, the *Startblok Riekerhaven*¹³ came into existence in July 2016 through a collaboration between the municipality of Amsterdam, the housing corporation De Key, and the organisation Socius Wonen. De Key collaborated with the municipality to develop the project and asked housing provider Socius Wonen to help during the first two years to establish a community and the self-management team, as they had prior experience in this field. The target groups are local youth, and young refugees aged 18-27. *Startblok Riekerhaven* was set up to improve integration and social cohesion for newcomers. Tenants can access relatively cheap housing in the capital and thanks to youth contracts they can still build up their waiting time for social housing, whereas normally the waiting time freezes once you have found a house. Tenants are collectively responsible for their living environment, which creates a stronger sense of community.

In **Antwerp (Belgium)** *Co-housing and Case Management for Unaccompanied Young Adult Refugees in Antwerp*¹⁴ (CURANT; 2017-2019) was funded by the EU’s Urban Innovative Actions Initiative. CURANT was developed and implemented by the City of Antwerp together with *Vormingplus Antwerpen, Jes VZW, Atlas, and Solentra*. The project provides accommodation and housing at affordable rental prices. CURANT is a co-housing project for unaccompanied young refugees who live together with Flemish young people, ‘buddies,’ for at least one year. To help young adult refugees, CURANT proposes different types of support such as cohousing, independence training and psychological help. The target groups are local young people and unaccompanied young adults between 17 and 22 years, who arrived in Belgium without their parents and who have been granted refugee status or subsidiary protection. Different forms of

12 <https://ocalenie.org.pl/nasze-dzialania/pomagamy/witaj-w-domu> , last access: July 15, 2022

13 <https://startblokkriekerhaven.nl/> , last access: July 15, 2022

14 <https://uia-initiative.eu/en/uia-cities/antwerp> , last access: July 15, 2022

cohabitation schemes are provided in the framework of the project: cohabitation in two-bedroom apartments, cohabitation of several refugee-buddy pairs sharing one community house and cohabitation in 16 to 20 modular (two-bedroom) units on one site. One of the most innovative aspects of CURANT is the buddy system. Buddies are Flemish young people aged between 20 and 30 years who volunteer as flatmates.

In terms of LGBT refugee inclusion, the **Athens Housing Collective**¹⁵ (AHC) is a project that was co-founded by Safe Place International and Joseph Baruku, a LGBT refugee and activist from Uganda. AHC was launched to combat a significant housing crisis and influx of homeless LGBT refugees in Athens. Safe Place International emerged as a response to the gap in support for doubly marginalised groups of asylum seekers and refugees. Athens Housing Collective was created to address an underserved population and a housing crisis that none or few organisations were responding to. Currently, Athens Housing Collective is the only organisation in the area that combines housing support with a structured programme of compulsory classes and participation hours for LGBT refugees. By doing casework with beneficiaries and networking with partners on the ground in Athens, the AHC team was able to identify the main issues around homelessness in the area for refugees such as racism, the lack of affordable housing and the lack of jobs; and subsequently developed a housing programme to not only get people off the street and into a safe place regarding their sexual orientation and/or gender identity but also to support their future independence and give them tools to integrate within Greek society.

7.2.4.2 Use of existing housing stock and/ or renovation of vacant buildings/dwellings

In **Athens (Greece)** the Project *Curing the Limbo*¹⁶ was implemented by a consortium coordinated by the Municipality of Athens and financed by the Urban Innovative Action program (2018-2021). The project capitalizes on Athens' vibrant civil society to help refugees and the local unemployed to overcome the stage of inertia. The program develops around a circular "gift" system, addressing the twofold issues of housing and inactivity: refugees receive affordable living spaces from the city housing stock and in return, they work for the public benefit, supporting the needs of the local community and participating in citizen-led activities that improve the quality of life in Athenian neighbourhoods. Over 20% of Athens' population is unemployed; over 30% of the houses in the city are vacant. In the city centre alone, there are 1300 vacant properties. The program is destined for refugees and local unemployed people. At the end of the three years, beneficiaries will be given the possibility to have housing, access to a network of active and engaged local people, and some form of employment, related to their newly acquired skills, with the support of professionals. 375 people are expected to be housed in 75 affordable housing units and more than 200 people will attend Greek language courses and ICT courses. The project will develop procedures for employment readiness and integration of refugees following a "strength-based approach", that is, the strengths, skills and preferences of refugees will be assessed and used in the design of

¹⁵ www.safeplaceinternational.org/athenshousingcollective , last access: July 15, 2022

¹⁶ <https://curingthelimbo.gr/en/home> , last access: July 15, 2022

their employment plan. Refugees will receive assistance for Greek language learning, and job search, including mock job interviews and meetings with local employers.

An example from **France** is *L'Autre Soie*. It is located on the site of a former university teachers' training institute in Villeurbanne. Built in 1926 by the South East Artificial Silk Factory (known later as *Usine TASE*), the Jeanne d'Arc home is emblematic of this period. Its primary purpose was to house young women from Eastern Europe. It was then used as a barrack in 1932, as a hospital in 1939, an annexe of the polytechnic school in 1940 and as the *École Normale Nationale d'Apprentissage* in 1946. From 1990 to 2013, the IUFM trained public education professionals. In November 2016, the site housed 145 migrants through a reception and orientation centre after the dismantling of the so-called "Jungle" in Calais¹⁷. In July 2018, it was transformed into a Centre d'Hébergement d'Urgence, managed by Alynéa. *L'Autre Soie*, which will cover 23,500m² including 311 units of secure social homeownership, and social and emergency housing solutions, is an inclusive housing project that will be built between 2018 and 2025 in the Carré de Soie district, a new centre in eastern Lyon combining economic and residential development. The project goal is to change the housing paradigm by placing vulnerable groups at the heart of the city while demonstrating how they can bring societal and economic value to their district.

7.2.4.3 Models for cooperation of private and public actors

*Sharehaus Refugio*¹⁸ in **Berlin (Germany)** is a city-owned space that functioned as a co-op-style refugee housing, community centre and café – one building with five floors. The building is a hundred-year-old house in Neukölln, which used to be a residential care centre for senior citizens (Astolfo & Boano, 2018). This shared house concept was created by Sven Lager and Elke Naters from The Share House Association. Refugio café is not their first but their third shared house. They created the Refugio café on behalf of the Berlin City Mission [Berliner Stadtmission], a Christian organisation that has supported people of all social classes since 1877. The target groups are asylum seekers and recognized refugees. *Sharehaus Refugio* is home to around 40 refugees, all of whom applied to live there. Residents live privately in a shared flat for 12-18 months and organise a vibrant community life together. *Sharehaus Refugio* is not only a home but also a holistic living experiment and working community. The Refugio café Berlin is a project for co-working, training and networking. It is recognized as a social enterprise. Many residents have their rent paid through public funds such as Jobcentre, the social welfare office or the State Office for Health and Social Affairs. However, some refugees already have jobs and finance themselves. The goal of the refugee community is to develop independence and responsibility. The response from the neighbourhood is positive. One of the popular activities of the group is "Kiezkochen", a cooking class held by refugees for elderly residents in the local district. This activity provides opportunities to communicate between the tenants and other members of local communities. The

17 The so called "Jungle" near to the French city of Calais was an informal refugee camp that existed from January 2015 to October 2016. This shanty town drew global media attention during the peak of the "Long Summer of Migration" in 2015/16, when its population grew rapidly. Migrants stayed in the Jungle while they attempted to get to the United Kingdom.

18 <http://www.refugio.berlin> , last access: July 15, 2022

refugees become a part of the community and enrich it with their handicrafts and personal abilities.

In **Lille, Paris, Montpellier and Lyon (France)** the project CALM (*Comme à la Maison* – “Like at home”¹⁹) offers short-term temporary housing for refugees in privately owned homes. Through its network, SINGA, the organisation behind CALM, connects French citizens and refugees for temporary cohabitation. Host families participating in CALM offer their home/s for periods of 3 to 12 months, allowing the guests to engage in the project while living together. The host can provide the house when it is available, for example, during the weekend. Through the project, the host assists a refugee in practising language skills and shares the life of the host family for a few days. It represents a form of short-term temporary housing for refugees. The goal of CALM is to connect refugees with people with similar interests and similar work experiences. SINGA’s approach relies on three key aspects: information, interaction, and innovation. A program evaluation report issued in 2017 compares two newcomer groups: the CALM participants and non-participating refugees, and found that participants in CALM were less likely to be in emergency accommodation or intermediate housing than non-participants the year after joining CALM. The survey also shows that the CALM program helped refugees dedicate more time to finding jobs, which is confirmed by 40% of the participants. Three-quarters of the program budget comes from private donors, the rest is from public sources. SINGA also received a grant for innovations and technology from UNHCR.

In the same vein, the *Social Rental Intermediation*²⁰ implemented in **Brussels (Belgium)** consists of social rental intermediation between private landlords and people excluded from the housing market as a way of mobilising private market rental stock for social purposes. The idea is to incentivise private owners to make parts of their private rental stock more affordable and accessible to vulnerable people. The target group of the program are migrant families, refugees, vulnerable people and people at risk of poverty, excluded from the private housing market. Social rental intermediation establishes a link between private landlords and these groups. The third party involved in this intermediation might be a public authority or a non-profit organisation, often financed through public funding. It provides incentives (mostly financed by public funds) to landlords who agree to rent their property at a reasonable price and benefit as a counterpart from guarantees regarding rent payment and maintenance of their property.

7.2.4.4 Combination of approaches and mechanisms for access to financial assistance, information services and assistance in finding accommodation

In terms of innovative financial and legal mechanisms, an example is the *No Recourse to Public Funds*²¹ (NRPF) in the **United Kingdom**. It refers to a condition imposed on some people due to their immigration status. Despite being allowed to reside in the UK, these people cannot benefit from any kind of support, which makes them especially vulnerable and likely to struggle to access housing. Whilst there is a legal obligation for

19 <https://co-citoyens.fr/fr/projects/2-calm-comme-a-la-maison> , last access: July 15, 2022

20 <https://www.fedsvk.be> , last access: July 15, 2022

21 <https://www.commonwealhousing.org.uk/projects/no-recourse-to-public-funds> , last access: July 15, 2022

local authorities to house migrant families in the UK, there is no such obligation for single refugees, meaning that individuals who have fled violence, abuse and exploitation are then forced to sleep rough. In addition, families that are provided with accommodation are often placed in sub-standard housing. This project seeks to meet both of these needs simultaneously by cross-subsidising the funding associated with the obligation to house migrant families to provide free bed spaces for single destitute women. The NRPF pilot project provides accommodation and support for destitute migrants. It is a shared housing project, where families are placed alongside single women in seven properties owned by the charity Commonweal Housing in London. The human rights organisation Praxis takes family referrals from several local authorities across the city and referrals of single women from third-sector organisations working to support migrants. As well as good quality accommodation, the beneficiaries benefit from specialist support and immigration advice to help them resolve their immigration status and move on to more permanent accommodation. Many existing housing projects operating for this group of people across the UK are reliant on goodwill offerings from individuals or organisations (for more details on these, see the e-learning materials on the No Accommodation Network and refugee hosting in the UK). This project is innovative because it set out to offer a self-sustained financing model to provide accommodation for a group that is traditionally seen as hard to house. This project shows that a cross-subsidised model can work to support a target group, with funding dedicated to other target groups as one possible revenue stream. Through developing this funding model and recognising the need for not only accommodation but bespoke support as well, Commonweal and Praxis have sought to show that alternative models of housing provision and support are feasible.

7.2.5 Co-housing

Co-housing refers to *“initiatives where groups of residents collectively create living arrangements that are not easily available in the (local) housing market”* (Tummers, 2015, p.2). The first co-housing projects started in the 1970s in Denmark, Germany and the Netherlands, but they have emerged in many other European countries. Despite the lack of quantitative data, there are indications of a clear upward trend in co-housing projects since the beginning of the century (Tummers, 2016). Although there is a wide variety of co-housing projects as well as a range of different terms (like housing co-ops, intentional communities, self-managed housing and eco-villages), co-housing projects have three things in common: a stress on collectivity in everyday life, a substantial degree of self-organization, and a combination of individual housing units and a collective spatial setting (Hagbert et al., 2019). Co-housing projects may vary in ownership models (rent, owner occupation, cooperative) and architectural forms. Recurring values in definitions and practices of co-housing are related to the different dimensions of sustainability – social (community, self-governance), ecological (energy efficiency, ecological housing and lifestyle), and economic (affordability).

In practice, many co-housing projects are less affordable than initially envisioned. In Denmark, the middle and upper strata of society are overrepresented in co-housing projects. This is especially the case in owner-occupied co-housing. In cooperative and particularly rental co-housing, the upper strata are underrepresented, but the same

applies to categories with a low socioeconomic status (Jakobsen & Larsen, 2019). The limited diversity of co-housing projects is not only related to a lack of affordable dwellings, but also to the level of cultural capital that plays a role in the accessibility of these projects (Arbell, 2022). Even affordable rented projects tend to attract White middle-class creatives, as is illustrated in the case of co-housing planning group in Berlin, where “the definition of ‘people in need of affordable housing and working space’ sometimes seems to be restricted to low-income members of the academic and creative milieu” (Droste, 2015, 87). In Denmark, co-housing residents are overwhelmingly ‘Danish’ with a high level of education which leads Jakobsen & Larsen (2019) to conclude that Danish co-housing communities can be seen as clearly segregated enclaves.

7.2.6 The voice of residents

In addition to all of the proposals outlined in this chapter for addressing the challenges of precarious housing in Europe, one further factor is required to effect sustainable change. That is to take seriously the voice and views of those experiencing precarious housing and seeking to improve such housing. Throughout this chapter, we have outlined a range of approaches to addressing housing precarity, from top-down governmental approaches to taxation and financialization, to bottom-up community schemes for mutual and co-housing provision. Addressing the challenges of precarious housing undoubtedly requires such a diverse approach, not least because as we have shown throughout these chapters, the legal, political, and social context varies considerably across Europe. Nevertheless, across such diversity, transforming housing conditions and promoting the development of safe, secure, and affordable housing, must also involve foregrounding and amplifying the voices and experiences of those living in precarious housing. To that end, we conclude with the question of how residents’ voices can be brought into the development, and maintenance, of safe, secure, and affordable housing.

The question of engaging residents is a long-standing one within housing policy, as tensions between approaches to ensuring participation and inclusion within decision-making are significant (McKee, 2009). On the one hand, resident participation in decision-making, particularly in contexts of social and communal housing, is a vitally important means of ensuring that the needs of residents are recognized and addressed. If, as we suggested in the Introduction to this book, there is a need to focus on the ‘use value’ of housing as much as its ‘exchange value’, then engaging with the views and experiences of residents provides one critical way to understand what that ‘use value’ means to people. How do people think and feel about the place they live, to what extent do they invest in it, both materially and emotionally, and what do they want to change or improve about it? Listening to residents is vital to understanding what housing means to people beyond calculations of financial worth.

At the same time, listening to residents is vital in finding ways to address the immediate failings of precarious housing and the risks such housing poses. To return to the example that opened these chapters, that of the Grenfell Tower tragedy in London, this was a case of the failure of democratic institutions and housing management bodies to listen to and respect the concerns of residents. A series of concerns over safety within the building had been raised by tenant’s groups in the years before the fire, including through

the collection of documentary evidence of poor-quality maintenance work and the presentation of this to both the local government and the property management company involved (Hodkinson, 2019). Systematically ignoring these complaints and concerns has been described by MacLeod (2018, p. 474) as a “grievous vacuum of accountability alongside a scandalously anti-democratic approach to governing public housing”. All too often, this lack of accountability is a defining facet of the forms of precarious housing we have documented through this book. Residents living in precarious conditions are often forced into such conditions through either government policies, in the case of asylum seekers and refugees, or through a lack of affordable or accessible choices, in the case of low-income households and socially marginalized groups. What unites these conditions is that the voices of residents, be they citizens or non-citizens, are rarely heard, and rarely taken seriously in shaping decision-making or in addressing complaints. Efforts to respond to precarious housing must thus look to how the voices of residents might be respected more fully and amplified within housing policy and practice. In the words of Madden and Marcuse (2016, p. 211), there is a critical need to ‘democratize’ housing and to ensure that precarious housing is seen as a collective concern within political discussions.

As already noted in this chapter, civil society organizations give us one point of connection in this regard, as they may present platforms for residents and tenants to articulate their claims to rights and to safe and secure housing. But alongside this, we might consider the role of residents’ or tenants’ associations, as groups that have historically been important in providing a collective voice for the interests of those living in precarious housing. In the UK, for example, tenant participation in decision-making around housing has a long history, predominantly associated with a desire to escape characterizations of tenants as passive recipients of accommodation and instead to cultivate active senses of commitment to a place and a community. Indeed, under the New Labour government of the early 2000s, ‘tenant participation’ was a defining feature of housing policy (Paddison et al., 2008), referring to ‘the involvement of tenants in the housing services provided by their landlord’ (McKee, 2009, p. 25). Tenants’ or residents’ associations thus refer to collective organizations that represent the views of residents and communicate and negotiate these with other actors in the housing sector, such as local governments, housing providers, landlords, and social housing associations. Whilst such associations have their limits and failings, most notably in risking the perpetuation of small groups of gatekeepers and community ‘representatives’ who speak on behalf of others and may not fully represent a diversity of views (McKee, 2009), they nevertheless offer one mechanism for residents to have a stronger voice in housing matters.

However, as many of the examples in this book have highlighted, having a voice within housing policy may not be enough to effect change. Indeed, the forms of ‘tenant participation’ that have become central to managing social housing in the UK since the 2000s, have been challenged as often hollow means of managing complaints and diverting accountability. Participation in this form can be a means for housing providers to maintain a public image and stifle criticism, as Hodkinson (2019) notes in relation to the role of resident’s boards in monitoring the work of private accommodation providers. He argues that whilst well intended, these boards were often co-opted by housing providers as means to manage dissent and shortcut criticism from residents, ensuring

that complaints were lost in an ‘accountability vacuum’ formed between different housing contractors, local government, housing inspectors, and over-stretched regulators (Hodkinson, 2019, p. 174). In this sense, the platform and voice of tenants’ associations may be valuable but cannot affect change alone. Instead, residents and tenants need access to their own decision-making authority and autonomy, and access to independent housing regulators who can keep landlords, housing associations, and other housing providers accountable for dealing with complaints and concerns around housing safety, maintenance, and quality. This further reaching role for tenants and residents is more akin to that effort to democratize housing that Madden and Marcuse (2016, p. 212) advocate, arguing that ‘resident associations, tenant unions, community organizations, and households should be given actual democratic decision-making authority, as the true experts on their own housing’.

This broader account of tenant participation is perhaps most closely aligned with the forms of communal and co-housing discussed in the previous section. Here, residents commit to forms of collaborative engagement and to collective decision-making over the development, use, and conditions of housing. In this sense, a move towards diverse forms of ‘collaborative housing’ that shift the emphasis from the self-organization of housing and co-housing to sustained partnerships among residents that have substantial levels of community discussion and coordination, is perhaps closest to forms of democratic organisation that value the voice of residents (Mullins & Moore, 2018). As Czischke (2018) argues, these forms of mutual provision rely not only on bonds of mutual support and affiliation, but also on valuing the voice and views of all residents in collectively building responses to precarious housing from the bottom up.

7.3 Conclusion: returning ‘home’

In opening this book, we asked you to consider what ‘home’ means to you and what forms of housing this concept is attached to. We briefly considered there the varying different ways that we might feel ‘at home’ in a residence, and the many reasons why we might fail to feel ‘at home’ somewhere. These questions are important because they allow us to think about housing as more than a site of shelter and accommodation, but as a social space and set of relationships, as a site of attachments, aspirations and hopes, and as a foundation on which the many and varied facets of our lives are built. It is for this reason, as we have argued through the many examples across this book, that housing quality, security, affordability, and safety, matter so fundamentally to us all. Housing matters not just as an asset, but as a potential home, with all the emotional, social, and cultural significance that term carries. It is for this reason that we have foregrounded in this book those struggles that extend beyond simply shelter and towards a right to feel ‘at home’, and that seek to challenge precarious housing conditions wherever they emerge and whomever they affect.

Addressing precarious housing is not a singular task. This book has drawn attention to the many and varied ways in which European citizens and non-citizens are subject to unsafe and insecure housing conditions, discriminatory renting practices, and exclusionary policies and market forces that shut people out of affordable and secure housing. At the same time, precarious housing is also, very often, an experience of

precarious individuals. Exclusions associated with housing build upon, and compound exclusions based on race, gender, ethnicity, and socio-economic status, such that experiences of precarious housing are often a marker of the intersectional confluence of different forms of discrimination and harm in European societies. Those who are most precarious are very often those who are most stigmatized, those whose voices are ignored and whose anguish is overlooked. In these terms, finding responses to precarious housing in Europe demands not only reform to housing markets, policies, and practices, but also a renewed attention to the experiences of those at the margins of European society.

In concluding, we would ask you to pause and reflect on the landscape of housing in Europe that has shaped these pages. If you are reading this, you are, presumably, interested in effecting change and seeking solutions to the challenges Europe faces. The task of change is a challenging one, but also a collective one. In the spirit of collaboration, shared learning, and seeking better futures that has shaped the PusH project, we hope that you will have found in these pages some starting points for further exploration, and perhaps even experimentation, towards less precarious futures.

At a glance

Key points

- Adequate housing is a basic right and most vulnerable populations (the urban poor, unemployed, migrants, single parents, the elderly) should be supported in accessing adequate housing
 - Public policies in the area of housing are extremely relevant in setting the ground for housing accessibility, both by providing housing subsidies (demand and supply side), regulating the rental market, protecting tenants and prevent housing speculation. However, not all EU member states have strong housing policies.
 - The responsibility for housing is with different levels of government in different EU states. National, regional and/or local governments might be involved in different ways, depending on the country
 - Civil society organizations are often crucial in promoting access to housing for the most vulnerable, particularly when the public sector is weak in this policy area
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Start thinking

- With the financialisation of housing (see Chapter 2), housing has become an attractive investment for real estate players. Hence, the government interventions that we present in this chapter, might meet opposition. Search for terms like “municipal right of preemption” and take a look at what global consulting services and real estate sector lawyers criticise about this instrument. Do you find the critique plausible and if so, why (or why not)?
 - The “tools” presented in this chapter mostly apply to the rental sector. Policymakers since the 1990s have often advocated for subsidising homeownership rather than investing into the rental sector. Discuss: What could be the pros and cons of these policies?
 - Check out the <https://www.housing-solutions-platform.org/single-post/shrinking-cities-what-opportunities-for-affordable-housing-and-to-address-homelessness> website and take a look at the presentations. Why is affordable housing a challenge even in shrinking cities?
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Learn more

Have a look at our corresponding e-module: <https://mdl.donau-uni.ac.at/push/mod/page/view.php?id=165>

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